

REMARKS

Claims 1-16, 18-22, 25-40, 42, 45, and 54-75 are currently pending. Of these claims, claims 46-53 had been previously withdrawn. In response to the Office Action mailed October 24, 2005, claims 46-53 and 54-67 have been canceled, and claims 69-71 and 73-75 have been amended. In addition, claims 13 and 37 have been amended to correct typographical errors and for no other reason. For the reasons discussed in detail below, Applicant submits that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

The Office Action argued that because the preamble and steps of new claims 54-67 are different and are distinct from the previously examined claims 1-45, restriction is proper. Accordingly, the Examiner has withdrawn claims 54-67. Moreover, the Office Action has requested that the Applicant cancel the withdrawn claims 46-53 and 54-67 in this response. Although the Applicant disagrees with the Examiner that the new claims are distinct from the previously examined claims, Applicant has canceled claims 46-53 and 54-67, with traverse, solely to expedite the prosecution of the pending application.

Elections/Restrictions

The Office Action further argues that claims 68-75 are directed to patentably distinct species of the claimed elected invention. Therefore, the Office Action has required under 35 U.S.C. 121 that the Applicant elect a single disclosed species for prosecution from the described species 1A (claims 68 and 72), species 1B (claims 69 and 73), species 1C (claims 70 and 74), and species 1D (71 and 75).

In order to be fully responsive, Applicant hereby provisionally elects, with traverse, species 1A that includes claims 68 and 72. However, in addition, the Applicant has amended claims 69-71 and 72-75 to more fully clarify the relationship between a utility function as claimed in claims 68 and 70, and a constant (amended claims 69 and 73), a regression analysis (amended claims 70 and

74), and a cost or benefit (amended claims 71 and 75). In light of the amendments, Applicant respectfully submits that the restriction requirement is now moot and should be withdrawn.

CONCLUSION

By the foregoing explanations, Applicant believes that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

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Respectfully submitted,

By 

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